

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ANDERSON/GREENWOOD DIVISION

David Wright, Sr.,)	Case No. 8:17-cv-02805-DCC
)	
Plaintiff,)	
)	
v.)	ORDER
)	
Luis Negrón and Dr. DeCoco,)	
)	
Defendants. ¹)	
_____)	

This matter is before the Court on Defendants Luis Negrón and Dr. DeCoco motion to dismiss or, in the alternative, for summary judgment. ECF No. 159. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2) (D.S.C.), this matter was referred to United States Magistrate Jacquelyn D. Austin for pre-trial proceedings and a Report and Recommendation (“Report”). The Magistrate Judge issued an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising Plaintiff of the summary judgment/dismissal procedure and the possible consequences if he failed to adequately respond to the motion. ECF No. 142. Despite this explanation, Plaintiff did not file a response to the motion.

On September 21, 2020, the Magistrate Judge issued a Report recommending that both Motions be granted. ECF No. 179. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious

¹ This caption represents the current Defendants.

consequences if he failed to do so. Plaintiff has not filed objections to the Report and the time to do so has lapsed.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

As stated above, Plaintiff has not objected to the Magistrate Judge's Report. Accordingly, after considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court finds no clear error and agrees with the recommendation of the Magistrate Judge. The motion to dismiss or, in the alternative, for summary judgment [141] is **GRANTED**.

IT IS SO ORDERED.

s/ Donald C. Coggins, Jr.
United States District Judge

January 27, 2021

Spartanburg, South Carolina